REMARKS

The Office Action dated November 18, 2005 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto. Claims 1-3, 5-15, and 17-28 are pending and are submitted for consideration.

Claims 1, 2, 4, 7, 8, 13, 14, 16, 19 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Molnar* (U.S. Publication No. 2002/0168978). The Office Action took the position that *Molnar* teaches each and every element recited in the rejected claims. Applicants traverse the rejection and respectfully submit that each of claims 1, 2, 4, 7, 8, 13, 14, 16, 19 and 20 recite subject matter that is not taught or disclosed by *Molnar*.

Claim 1, upon which claims 2, 3, and 5-11 depend, recites a method for controlling sending of messages in a communication system. The method includes providing a network entity with restriction information associated with terminating parties in the communication system, determining at least one terminating party for a message to be sent, defining the restriction information associated with the terminating parties to comprise a restriction level for sending the message to the at least one terminating party, and controlling sending of the message based on the restriction information.

Claim 13, upon which claims 14, 15, and 17-28 depend, recites a communication system. The communication system includes a network entity configured to receive and

- 8 -

manage restriction information associated with terminating parties in the communication system, determining means configured to determine at least one terminating party for a message to be sent, and controlling means configured to control sending of the message based on the restriction information, wherein the restriction information comprises a restriction level for sending the message to the at least one terminating party.

Molnar relates to a method for restricting a message service in a communication network. The method seeks to restrict communication with certain addresses. Thus the sending of messages to, or receiving messages from, a particular address may be blocked based on a record containing information about addresses with which a message communication is not allowed. More particularly, *Molnar* teaches restriction of a message service is carried out in a communication network, wherein at least a sender and a recipient can be identified by a respective address, and wherein a record is kept containing information about certain addresses with which a message communication is not allowed. A request for a message communication is analyzed on the basis of the information in the record to determine such is allowed, and the transmission of a message is prevented if the message is related to an address which is not allowed according to the analyzing step.

However, *Molnar* does not teach or disclose that the restriction information comprises a restriction level for sending the message to at least one terminating party, as recited in independent claims 1 and 13. In the method of *Molnar*, the sole criterion used to determine whether a message can be sent or not is whether communication <u>with a</u>

particular address is allowable. In contrast, according to the independent claims of the present application, the present invention involves defining a restriction level for sending the message to at least terminating party. Thus, the present invention enables the context in which communication with a particular address is restricted to be varied depending on the restriction level applied to the recipient. As such, Applicants submit that each of independent claims 1 and 13 recite subject matter that is not taught or disclosed by *Molnar*. Reconsideration and withdrawal of the rejection of claims 1 and 13, along with each claim depending therefrom, is respectfully requested.

Further, as described on page 9 of the present application (see in particular Table 1), the concept of restriction levels (recited in claims 1 and 13) includes not just that a message can or cannot be sent to a particular addressee, but that particular recipients are categorized to limit the degree to which they may be entitled to receive particular messages. Thus the restriction levels given in Table 1 define that certain types of recipients are either unrestricted or may only be entitled to receive communications containing a certain types of information. Likewise, in Table 2 on page 10, the restriction levels classify the terminating parties as being trusted to receive certain kinds of communication. In contrast, in *Molnar*, a particular recipient is either entitled to receive a message from the sender or is not entitled, and there is no disclosure of particular levels of entitlement (restriction levels) that regulate the permitted level of communication with a terminating party. Reconsideration and withdrawal of the rejection of claims 1 and 13, along with each claim depending therefrom, is respectfully requested.

Claims 1-3 and 13-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Allison* (U.S. Publication No. 2003/0083078). The Office Action took the position that *Allison* teaches each and every element recited in the rejected claims. Applicants traverse the rejection and respectfully submit that each of claims 1-3 and 13-15 recite subject matter that is not taught or disclosed by *Allison*.

Independent claims 1 and 13 are shown above. *Allison* teaches a signaling message routing node which includes an SMS message discriminator which can be used to determine whether a received SMS message is wanted by a called or receiving party. Unwanted SMS messages are discarded and consequently not delivered to their intended recipient. The arrangement of Allison is intended primarily to shield recipients from unwanted messages such as spam.

However, *Allison* does not teach or disclose that the restriction information comprises a restriction level for sending the message to at least one terminating party, as recited in independent claims 1 and 13, as amended. The fact that *Allison* does not teach this feature is supported by the Office Action, as the Office Action did not reject claim 4 over *Allison*. Since the limitations recited in claim 4 have been incorporated into claims 1 and 13, Applicants submit that claims 1 and 13 recite subject matter that is not taught or disclosed by *Allison*. Reconsideration and withdrawal of the rejection of claims 1 and 13 is respectfully requested.

Claims 1, 4, 9, 13, 16 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Ranjan* (U.S. Publication No. 2004/0123097). The Office Action took the

position that *Ranjan* teaches each and every element recited in the rejected claims. Applicants traverse the rejection and respectfully submit that each of claims 1, 4, 9, 13, 16, and 21 each recite subject matter that is not taught or disclosed by *Ranjan*.

Independent claims 1 and 13 are discussed above. *Ranjan* teaches a terminal for receiving and retransmitting information. The terminal receives an encoded primary data stream, retransmits the information in a secondary data stream in a second format (encrypted according to the same key scheme in which the primary data stream is encoded), and forwards entitlement messages that enable a subsequent receiver to decrypt the secondary data stream. The entitlement messages are generated by the source which provides the information to the terminal and are used to enable the primary data provider to retain control of the further distribution of the data.

Thus, the method of *Ranjan* is directed to set top boxes for receiving broadcasts from satellite systems and re-transmitting them to devices such as televisions and computers in a home network (see paragraphs 5, 6 and 22 of *Ranjan*). In one embodiment mentioned in paragraph 42 of *Ranjan* (as cited by the Examiner), a plurality of different entitlement messages are provided, each enabling an authorized receiver to decrypt an encrypted data stream encrypted according to the key scheme, wherein each entitlement message comprises a specification of at least one terminal. In paragraph 43, messages authorizing transmission of at least one secondary data stream are transmitted to at least one of the secondary terminals. The messages can specify whether redistribution is allowed at all, or it can limit re-distribution to certain types of secondary

receivers or a certain maximum number of secondary receivers. Thus the primary receiver is arranged to transmit only those secondary data streams to those secondary terminals for which an authorization has been received. However, in this arrangement, a particular terminating party (secondary receiver) is nevertheless either entitled to receive transmission of the secondary data stream or is not entitled. Any one secondary receiver is not classified according to a restriction level, such that it is only authorized to receive particular kinds of information.

The re-distribution method of *Ranjan*, although in a completely different context, is similar in principle to that of *Molnar*, in that recipients are either authorized or not authorized, with no teaching or disclosure of grading according to restriction levels, as recited Applicants' independent claims 1 and 13. As such, Applicants submit that *Ranjan* fails to teach or disclose each and every element recited in claims 1 and 13. Reconsideration and withdrawal of the rejection of claims 1 and 13, along with dependent claims 4, 9, 16 and 21, is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. §102(e) as being anticipated by *Moussavian* (U.S. Publication No. 2003/0172077). The Office Action took the position that *Moussavian* teaches each and every element recited in the rejected claim. Applicants traverse the rejection and respectfully submit that claim 12 recites subject matter that is not taught or disclosed by *Moussavian*.

Claim 12 recites a computer program, comprising program code means embodied on a computer readable medium, said computer program controlling a computer to

perform the steps of: providing a network entity with restriction information associated with terminating parties in a communication system; determining at least one terminating party for a message to be sent; defining the restriction information associated with the terminating parties to comprise a restriction level for sending the message to the at least one terminating party; and controlling sending of the message based on the restriction information.

Moussavian teaches a device and data source-agnostic messaging and notification system receives input events and issues notifications and actions in accordance with predefined rules. The notifications target one or more recipients, each of whom may be associated with several end-user devices, *i.e.*, means of message delivery. The messages are adapted to the end-user devices and sent to the devices in accordance with a preprogrammed delivery scheme. If the messages are not acknowledged by the end-user, they escalate in importance and propagate to a higher level of authority, in accordance with a preprogrammed escalation sequence.

However, *Moussavian* does not teach defining the restriction information associated with the terminating parties to comprise a restriction level for sending the message to the at least one terminating party or controlling sending of the message based on the restriction information, as recited in claim 12. Therefore, Applicants submit that *Moussavian* fails to teach each and every element recited in claim 12, and as such, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 5, 6, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being obvious in view of *Molnar*, in view of *Turcotte* (US Patent No. 5,678,179). The Office Action took the position that *Molnar* teaches each and every element recited in claims 5, 6, 17 and 18, except for defining the restriction level in function of a type of the message. However, the Office Action cites to *Turcotte* as teaching this feature, and as such, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to have combined the teaching of the references to generate Applicants' claimed invention. Applicants traverse the rejection and respectfully submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in claims 5, 6, 17 and 18.

As a preliminary matter, Applicants note that each of claims 5, 6, 17 and 18 depend from either independent claim 1 or independent claim 13, which have been presented above as allowable. Therefore, Applicants submit that each of claims 5, 6, 17 and 18 are also allowable as a result of being dependent upon an allowable base claim. Reconsideration and withdrawal of the rejection is respectfully requested.

Molnar is discussed above. *Turcotte* teaches method for message signaling involving the use of privacy indicators. A privacy indicator denotes a level of privacy associated with a message. A privacy field is added by the originator such that in order to output the short message from the receiver's remote unit, the user must provide an appropriate input to review the message (see column 4, lines 8 to 17 of *Turcotte*). As further explained at column 5, lines 40 to 63 of *Turcotte*, the privacy indicator element

works to restrict viewing of the message on the recipient's mobile, after it has already been sent and delivered.

However, *Turcotte* does not teach or disclose that the restriction information comprises a restriction level for sending the message to at least one terminating party, as recited in independent claims 1 and 13, the independent claims from which the rejected claims depend. As such, Applicants submit that *Turcotte* does not further the teaching of *Molnar* to the level necessary to support an obviousness rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

Further, the advantage of the present invention over that of *Turcotte* is that it actually prevents the unintended sending of, for example, confidential information, to recipients who are not entitled to such information. In contrast, the method of *Turcotte* allows the recipient to receive the unintended message, although it may be difficult to open without a code. Preventing sending of an undesired message is clearly preferable over merely preventing it being displayed following receipt, as the recipient may be able to guess the code or password or otherwise circumvent such protection. Moreover, the present invention allows the restriction level to be set based on the particular party, such that for parties entitled to receive particular information, messages may be freely sent without requiring a password. In contrast, in the method of *Turcotte*, a password is always required for confidential information, even for the most trusted recipients.

As noted above, the present invention differs from *Molnar* in that *Molnar* does not disclose using restriction levels to regulate communication with a particular terminating

party. The advantage of this difference is that it gives the user the possibility to avoid or cancel sending information by accident to unwanted recipients. In particular, the use of restriction levels can permit a user to communicate with particular recipients, while ensuring that unintended information is not accidentally sent to recipients who should not be entitled to receive such information. This advantage is explained at page 5, lines 5 to 10 of the present application and the following pages. The invention thus provides a way in which, for example, company confidential information can be prevented coming available accidentally to an external recipient (see page 3, lines 21 to 29).

Molnar, in contrast, is not concerned with regulating a degree of communication with particular recipients, other than in an all or nothing fashion. Thus *Molnar* is not concerned with retaining confidential information or preventing the sending of particular information to particular recipients. *Molnar* is primarily concerned with completely blocking communication with particular addresses, for instance based on the fact that such addresses are known to send unwanted or malicious content. Alternatively, in *Molnar* the sender may be barred from sending messages to particular addresses when roaming in a foreign network (see paragraphs 6, 7 and 27 and elsewhere in *Molnar*). *Molnar* is not concerned with regulating the degree to which a user may communicate with certain addresses for instance based on the content of an outgoing message, as recited in Applicants claims.

Thus, Applicants submit that the combination of *Molnar* and *Turcotte*, when taken alone or in combination, fails to teach, show, or suggest the subject matter recited in

Applicants independent claims. Specifically, neither of the cited references, when taken alone or in combination, teaches, shows, or suggests controlling the sending of a message based on a restriction level relating to the terminating party. There is also no teaching or suggestion in either *Molnar* or *Turcotte* that terminating parties can be defined as permitted to receive certain levels of information (*i.e.*, restriction levels) and that the sending of messages can be controlled on this basis, as recited in Applicants independent claims. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 10, 11, and 22-26 stand rejected under 35 U.S.C. §103(a) as being obvious over *Molnar* in view of *Dickinson* (US Publication No. 2003/0196098). The Office Action took the position that *Molnar* teaches each and every element recited in claims 10, 11, and 22-26, except for determining an action to be taken in relation to a denied message to modify the message into a form in which the sending is allowed. However, the Office Action cites to *Dickinson* as teaching this feature, and as such, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to have combined the teaching of the references to generate Applicants' claimed invention. Applicants traverse the rejection and respectfully submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in claims 10, 11, and 22-26.

As a preliminary matter, Applicants note that each of claims 10, 11, and 22-26 depend from either independent claim 1 or independent claim 13, which have been

presented above as allowable. Therefore, Applicants submit that each of claims 10, 11, and 22-26 are also allowable as a result of being dependent upon an allowable base claim. Reconsideration and withdrawal of the rejection is respectfully requested.

Dickinson teaches an e-mail firewall for screening e-mail messages originating in, or entering into a computer network. The invention includes an e-mail control system that controls e-mail messages transmitted from and received by a computing site. The e-mail control system includes a message encryptor that encrypts, in accordance with at least a first stored encryption key, a first designated type of message transmitted from the computing site. A message decryptor decrypts, in accordance with at least a second stored encryption key, a second designated type of message received by the computing site. A filter monitors messages, after decryption by the decryptor and before encryption by the encryptor, in accordance with changeable filter information.

However, *Dickinson* does not teach or disclose that the restriction information comprises a restriction level for sending the message to at least one terminating party, as recited in independent claims 1 and 13, the independent claims from which the rejected claims depend. As such, Applicants submit that *Dickinson* does not further the teaching of *Molnar* to the level necessary to support an obviousness rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 27 stands rejected under 35 U.S.C. §103(a) as being obvious over *Molnar* in view of *Moles* (US Publication No. 2004/0203947). The Office Action took the position that *Molnar* teaches each and every element recited in claim 27, except for the network

entity comprising a serving controller in an IPM subsystem. However, the Office Action cites to *Moles* as teaching this feature, and as such, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to have combined the teaching of the references to generate Applicants' claimed invention. Applicants traverse the rejection and respectfully submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in claim 27.

Moles teaches an apparatus and method for storing and accessing wireless device e-mail attachments. The present invention prevents the loss of e-mail attachments by storing the e-mail attachments in an e-mail attachment database for later retrieval by the recipient of the e-mail message, and by notifying the recipient of the location of the e-mail attachments with an e-mail attachment notification message that contains a network address and password.

However, *Moles* does not teach or disclose that the restriction information comprises a restriction level for sending the message to at least one terminating party, as recited in independent claim 13, the independent claim from which the rejected claim depends. As such, Applicants submit that *Moles* does not further the teaching of *Molnar* to the level necessary to support an obviousness rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 28 stands rejected under 35 U.S.C. §103(a) as being obvious over *Molnar* in view of *Sivula* (US Publication No. 2001/0053687). The Office Action took the position

that *Molnar* teaches each and every element recited in claim 28, except for the network entity comprising a multimedia message service server. However, the Office Action cites to *Sivula* as teaching this feature, and as such, the Office Action concluded that it would have been obvious to one of ordinary skill in the art to have combined the teaching of the references to generate Applicants' claimed invention. Applicants traverse the rejection and respectfully submit that the cited combination of references, when taken alone or in combination, fails to teach, show, or suggest each and every limitation recited in claim 28.

Sivula teaches a method for addressing billing in a multimedia messaging service (MMS) utilizing store-and-automatic forward transmission, in which method the message addressed to a B-subscriber is transmitted from a terminal (TA) of an A-subscriber to a server (MMSC) of the multimedia messaging service system, the arrival of said message to the server (MMSC) is reported to a wireless terminal (MSB) of the B-subscriber, and in which method said message is transmitted from the server (MMSC) further to the wireless terminal (MSB) of the B-subscriber. According to the invention, the message addressed to the B-subscriber is retrieved to the wireless terminal (MSB) of the B-subscriber from the server (MMSC) by establishing a substantially toll-free data transmission connection between wireless terminal (MSB) of the B-subscriber and the server (MMSC), said data transmission connection being opened by the terminal (MSB) of the B-subscriber. The invention also relates to a multimedia messaging service system

(MMS), a server (MMSC) for a multimedia messaging service system, and a wireless terminal (MS).
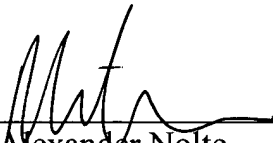
However, *Sivula* does not teach or disclose that the restriction information comprises a restriction level for sending the message to at least one terminating party, as recited in independent claim 13, the independent claim from which the rejected claim depends. As such, Applicants submit that *Sivula* does not further the teaching of *Molnar* to the level necessary to support an obviousness rejection. Reconsideration and withdrawal of the rejection is respectfully requested

In conclusion, Applicants submit that each of the pending claims recites subject matter that is not disclosed by the cited combination of references, when the references are taken alone or in combination. Specifically, Applicants submit that none of the cited references teaches, shows, or suggests the limitation that the restriction information comprises a restriction level for sending the message to at least one terminating party, as recited in each of Applicants' independent claims. As such, reconsideration and withdrawal of the rejections is respectfully requested. Claims 1-3, 5-15, and 17-28 are pending and are submitted for consideration.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

N. Alexander Nolte
Registration No. 45,689

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

NAN:kzw

Enclosures: Petition for Extension of Time